

AXIS SURPLUS INSURANCE COMPANY,

Plaintiff,

v.

BUCKEYE FIRE EQUIPMENT COMPANY,

Defendant.

THIS MATTER IS BEFORE THE COURT on Plaintiff's "Notice Of Motion And Motion To Compel" (Document No. 33) filed November 26, 2019. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C §636(b) and is ripe for review. Having carefully considered the motion, the record, the parties' briefs, and the arguments of counsel during a telephone conference on January 16, 2020, the undersigned will deny the motion to compel without prejudice.

By the pending motion, Plaintiff AXIS Surplus Insurance Company (“Plaintiff” or “AXIS”) seeks to compel Defendant Buckeye Fire Equipment Co. (“Defendant” or “Buckeye”) to provide full and complete responses to “Plaintiff’s First Set Of Requests For Production Of Documents” (Document No. 33-2). Specifically, Plaintiff seeks further supplementation by Defendant of its responses to Request for Production of Documents Nos. 6, 7, 9, 44, 52, and 66.

As discussed during the recent telephone conference, the undersigned is persuaded that Defendant has provided responses to Request Nos. 6, 7, and 9 in good faith. Moreover, counsel for the parties have agreed that Plaintiff will provide an authorization form to Defendant that Defendant will execute to allow Plaintiff to seek additional documents and discoverable

information from Defendant's identified insurance representative. Defendant shall also provide appropriate supplementations to Request Nos. 6, 7, and 9 when/if it receives additional information.

The undersigned finds Request Nos. 44, 52, and 56 to be overly broad and unduly burdensome as currently drafted; however, the telephone conference indicated that the parties are capable of reaching a reasonable middle ground that provides much of the information Plaintiff seeks. As such, the Court directs that counsel further confer, in person if possible, to narrow and/or re-state these particular Requests in a manner that will clarify the information needed and allow Defendant to further supplement its production of relevant documents.

IT IS, THEREFORE, ORDERED that Plaintiff's "...Motion To Compel" (Document No. 33) is **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that counsel for the parties shall confer regarding an additional effort to narrow and resolve the pending discovery issues as discussed during the telephone conference on January 16, 2020.

SO ORDERED.

Signed: January 16, 2020



David C. Keesler
United States Magistrate Judge

